

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
v.) Criminal No.: 19-10080-NMG
)
DAVID SIDOO, *et. al.*,)
)
)
Defendants.)

MEMORANDUM REGARDING TRIAL GROUPINGS

The government respectfully files this memorandum in response to the Court's Order directing the government to propose how to group the defendants for trial if it becomes necessary to have multiple trials in this matter. Dkt. 705.

Relevant Background

Of the 19 defendants charged in this case, four have pled guilty and 15 remain pending trial. The defendants are charged with conspiring to secure the admission of their children to selective colleges through bribery and fraud, including the use of fraudulently obtained test scores, bogus academic and athletic credentials, falsified applications, and bribes to corrupt university employees to have their children recruited as purported athletes. The defendants are also charged with conspiring to commit money laundering by promoting the scheme through wire transfers from abroad or concealing the scheme by funneling bribes and other payments through one of two entities operated by their co-conspirator, William "Rick" Singer. Eleven of the 15 remaining defendants are also charged with conspiring to commit federal programs bribery. Four of the defendants are charged with substantive counts of federal programs bribery, wire fraud and honest services wire fraud, and one of those defendants, John Wilson, is also charged with a substantive count of filing a false tax return for falsely identifying payments he made as part of the scheme as purported charitable contributions and business expenses on his tax returns.

Timing of the Trials and Grouping of the Defendants

The government has, to date, produced more than 1.6 million pages of e-mails seized pursuant to search warrants, nearly 500,000 other documents, more than 2,000 pages of legal process, and over 4,000 intercepted or consensually recorded telephone calls and text messages. Almost none of the defendants has yet produced any reciprocal discovery. Several motions to compel are currently pending. The parties have proposed that the Court set a schedule providing for the briefing of pretrial motions in the spring, and a hearing, if any, in June.

In light of the foregoing, and given the volume of discovery in this case, the government believes that an October date for the first trial in this matter is reasonable, and would allow for the orderly resolution of pre-trial and discovery motions. The government believes that it is likely that additional defendants will enter into agreements to resolve the charges prior to trial. For that reason, the government believes it may be possible to try those defendants who wish to exercise their right to a trial in no more than two trials, one in October, and one in early 2021. Should the court wish to proceed in that manner, the government proposes that the Court group the defendants for trial as follows:

First Trial

Gamal Abdelaziz
I-Hsin “Joey” Chen
Mossimo Giannulli and Lori Loughlin
Elisabeth Kimmel
William McGlashan Jr.
Homayoun Zadeh

Second Trial

Diane and Todd Blake
Gregory and Amy Colburn
Marci Palatella
David Sidoo
John Wilson
Robert Zangrillo

Should the Court instead wish to schedule three trials, with five defendants in each trial, the government proposes the grouping set forth below. In that event, however, the government believes it may ultimately be possible to consolidate the proceedings at a later date in the interest of efficiency.

The government proposes that the first trial be set for October 2020 and include the following defendants:

I-Hsin “Joey” Chen
Mossimo Giannulli and Lori Loughlin
Elisabeth Kimmel
William McGlashan Jr.

The government proposes that the second trial be scheduled in early 2021 and include the following defendants:

Gamal Abdelaziz
Amy Colburn and Gregory Colburn
Marci Palatella
Robert Zangrillo

The government proposes that the third trial be scheduled for the late spring of 2021 and involve the remaining defendants:

Diane Blake and Todd Blake
David Sidoo
John Wilson
Homayoun Zadeh

The government believes that these groupings, which contemplate that spouses who have been charged together are tried together, will facilitate the efficient presentation of evidence based on the specific conduct in which each of the defendants engaged and the nature of the witnesses and evidence against them.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/Eric S. Rosen
Eric S. Rosen
Assistant United States Attorney